

FILED

JUL - 5 2016

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Wesley S. Randolph III

Plaintiff,

vs.

Robert Half Technology
Employment Agency

Defendant(s).

C16- 3760

CASE NO.

EMPLOYMENT DISCRIMINATION
COMPLAINT

1. Plaintiff resides at:

Address P.O. Box 27545

City, State & Zip Code Oakland, CA 94602-1501

Phone (510) 407-1311

2. Defendant is located at:

Address 1999 Harrison Street, Suite 1000

City, State & Zip Code Oakland, CA 94612

3. This action is brought pursuant to Title VII of the Civil Rights Act of 1964 for employment discrimination. Jurisdiction is conferred on this Court by 42 U.S.C. Section 2000e-5.

Equitable and other relief is sought under 42 U.S.C. Section 2000e-5(g).

4. The acts complained of in this suit concern:

a. ☐ Failure to employ me.

b. ☒ Termination of my employment.

c. ☐ Failure to promote me.

d. ☒ Other acts as specified below.

Termination of employment because of Age and Race

5. Defendant's conduct is discriminatory with respect to the following:

a. ☒ My race or color.

b. ☐ My religion.

c. ☐ My sex.

d. ☐ My national origin.

e. ☒ Other as specified below.

My Age

6. The basic facts surrounding my claim of discrimination are:

I was hired by the Defendant on or about October 20, 2014 to work as an Information Systems Technician II
for the Contra Costa County Employment and Human Services Department in the Contra Costa County Employment and
Human Service Information Technologies Department. My employment was terminated August 14, 2015 because of my
race (Africa American) in violation of Title of the Civil Rights Act of 1964 and age (61) in violation of Age
Discrimination in Employment Act of 1967
(ADEA).

7. The alleged discrimination occurred on or about August 14, 2015.

(DATE)

8. I filed charges with the Federal Equal Employment Opportunity Commission (or the California Department of Fair Employment and Housing) regarding defendant's alleged

discriminatory conduct on or about August 14, 2015.

(DATE)

9. The Equal Employment Opportunity Commission issued a Notice-of-Right-to-Sue letter
(copy attached), which was received by me on or about June 21, 2016.

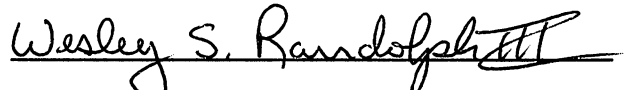
(DATE)

10. Plaintiff hereby demands a jury for all claims for which a jury is permitted:

Yes X No

11. WHEREFORE, plaintiff prays that the Court grant such relief as may be appropriate,
including injunctive orders, damages, costs, and attorney fees.

DATED: July 5, 2016



SIGNATURE OF PLAINTIFF

(PLEASE NOTE: NOTARIZATION
IS NOT REQUIRED.)

Wesley S. Randolph III

PLAINTIFF'S NAME

(Printed or Typed)

1 WESLEY S. RANDOLPH III
2 P.O. Box 27545
3 Oakland, CA 94602-1501
4 (510) 407-1311
5 IN PRO SE

6 UNITED STATES DISTRICT COURT

7 For the

8 Northern District of California

9 WESLEY S. RANDOLPH III, an individual

10 Plaintiff,

11 V.

12 ROBERT HALF TECHNOLOGY
13 EMPLOYMENT AGENCY,

14 Defendant.

) Case No.:

) Employment Discrimination
) Complaint

) Pursuant to

) Title VII of the Civil Rights Act of 1964

) and

) Age Discrimination in Employment Act of
) 1967(ADEA)

) JURY TRIAL DEMANDED

16
17 This is an action for damages against Rorbert Half Technology Employment Agency
18 (herein after referred to as the "Defendant") and is brought pursuant to Title VII of the Civil
19 Rights Act of 1964 and the Age Discrimination in Employment Act (ADEA). Mr. Wesley S.
20 Randolph III (hereinafter referred to as the "Plaintiff") is an African-American man who was
21 born February 22, 1954 The Plaintiff is an Honorably Discharged United States Air Force
22 Veteran; a Retired San Francisco B.A.R.T. District Computer Support Coordinator, with a
23 Bachelor of Science Degree Majoring in Information Systems Security and Master of Science
24 Degree Majoring in Information Systems Security both degrees are from the University of San
25 Francisco.

1 In October of 2014 the Defendant hire the Plaintiff for an employment assignment as an
2 Information Systems Technician II for the Contra Costa County Employment and Human
3 Services Department, Information Technologies Department.

4 Friday August 14, 2015, the Defendant abruptly terminate the Plaintiff's employment
5 assignment as an Information Systems Technician II for the Contra Costa County Employment
6 and Human Services Department Information Technologies Department. The Defendant verbally
7 ask the Plaintiff to return the returned the Contra Costa County Employment and Human
8 Services Department, Information Technologies Department's issued iPhone; identification
9 badge and Contra Costa County Buildings keys to the Defendant's offices location at 1999
10 Harrison Street #1000, Oakland, CA 94602 on Monday, August 17, 2015.

11 The Defendant verbally stated to the Plaintiff on Friday August 14, 2015, that the
12 employment contracts between the Robert Half Technology Employment Agency and the Contra
13 Costa County Employment and Human Services Department, Information Technologies
14 Department was being terminated, the Plaintiff's employment assignment and all of the other
15 Defendant's personnel who are or were employed as Information Systems Technician II for the
16 Contra Costa County Employment and Human Services Department Information Technologies
17 Department employment has ended.

18 Monday August 17, 2015 the Plaintiff returned the Contra Costa County Employment
19 and Human Services Department, Information Technologies Department's iPhone; identification
20 badge and Contra Costa County Buildings keys to Roni Itagaki at the Contra Costa County
21 Employment and Human Services Department, Information Technologies Department
22 Administration Building located at 300 Ellinwood Way, Pleasant Hill, CA 94523.

23 On August 17, 2015 the Plaintiff visually witness and verbally spoke to Robert Half
24 Technology Employment Agency personnel performing work as Information Systems
25 Technician for Contra Costa County Employment and Human Services Department, Information
Technologies Department at 300 Ellinwood Way, Pleasant Hill, CA 94523.

1 The Defendant lied to the Plaintiff and terminated the Plaintiff's employment assignment
2 with Contra Costa County Employment and Human Services Department, Information
3 Technologies Department because of race his (African-American).and his age (61).

4 The Defendant continued to employ young Asia & White Men and Woman as
5 Information Systems Technician who were and are assigned to work for Contra Costa County
6 Employment and Human Services Department, in the Information Technologies Department.

7 The Plaintiff believe he was discriminated against because of his Race (African-
8 American), in violation of Title VII of the Civil Rights Act of 1964, as amended; the Plaintiff
9 also believes that he discriminated against because of his Age (61), in violation of the Age
10 Discrimination in Employment Act of 1967, as amended.

11 August 28, 2015, the Plaintiff filed a Complaint with the U.S. Equal Employment
12 Opportunity Commission (EEOC) - EEOC Number: 555-2015-01110C and the California
13 Department of Fair Employment and Housing (DFEH)

14 March 11, 2016, the Robert Half Technology Employment Agency responded to the U.S.
15 Equal Employment Opportunity Commission (EEOC) - EEOC Number: 555-2015-01110C with
16 a false made up allegations against the Plaintiff's professional reputation.

17 June 21, 2016 the U.S. Equal Employment Opportunity Commission (EEOC) – issued
18 Notice of Right to Sue for EEOC Number: 555-2015-01110C
19

20 As a proximate result of the Defendant's conduct, the Plaintiff has suffered physical pain,
21 emotional and mental distress, anxiety, and humiliation.

22 As a further proximate result of the Defendant's conduct, the Plaintiff claims general
23 damages, which include damages to his professional reputation, substantial loss of earnings,
24 bonuses, deferred compensation, and other employment benefits which he would have received
25

1 had the Defendant not denied his continued employment with the Contra Costa County
2 Employment and Human Services Department, Information Technologies Department.

3 The conduct of the Defendant was done with a conscious disregard of the Plaintiff's
4 rights.

5
6 **JURY DEMAND**

7 The Plaintiff demands a jury trial in this action.

8 **PRAYER**

9 WHEREFORE, Plaintiff prays for relief, as follows:

- 10 1. For violating Title VII of the Civil Rights Act of 1964,
\$1,000,000.00;
- 11 2. For violating The Age Discrimination in Employment Act (ADEA)
12 \$1,000,000.00;
- 13 3. For Cost of suit incurred; and reasonable legal fees
- 14 4. For any other relief this Court deems just and proper.

15
16 Dated: July 5, 2016

17
18 Wesley S. Randolph III

19 Wesley S. Randolph III,

20 In Pro Se

21
22
23
24
25

EEOC Form 161-B (11/09)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Wesley Randolph, III
Po Box 27545
Oakland, CA 94602

From: Oakland Local Office
1301 Clay Street
Suite 1170 N
Oakland, CA 94612

☐

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

555-2015-01110

Elizabeth L. Lyons,
Investigator

(510) 637-3244

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA): This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA must be filed in a federal or state court **WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

☒

More than 180 days have passed since the filing of this charge.

☐

Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of this charge.

☒

The EEOC is terminating its processing of this charge.

☐

The EEOC will continue to process this charge.

Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, the paragraph marked below applies to your case:

☒

The EEOC is closing your case. Therefore, your lawsuit under the ADEA must be filed in federal or state court **WITHIN 90 DAYS** of your receipt of this Notice. Otherwise, your right to sue based on the above-numbered charge will be lost.

☐

The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of the charge, you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred **more than 2 years (3 years)** before you file suit may not be collectible.

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission


Dana C. Johnson,
Local Office Director

06/21/2016

(Date Mailed)

Enclosures(s)

CC: Jonathan Aldridge
Corporate Counsel/ Employment & Litigation
ROBERT HALF
2884 Sand Hill Road
Menlo Park, CA 94025

Enclosure with EEOC
Form 161-B (11/09)

INFORMATION RELATED TO FILING SUIT UNDER THE LAWS ENFORCED BY THE EEOC

*(This information relates to filing suit in Federal or State court under Federal law.
If you also plan to sue claiming violations of State law, please be aware that time limits and other
provisions of State law may be shorter or more limited than those described below.)*

PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA), the Genetic Information Nondiscrimination Act (GINA), or the Age Discrimination in Employment Act (ADEA):

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was mailed to you** (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit **before 7/1/10** – not 12/1/10 – in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.